

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTHONY DIXON,

Defendant-Appellant.

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UNPUBLISHED

July 18, 2000

No. 214117

Wayne Circuit Court

Criminal Division

LC No. 98-001841

Before: Hoekstra, P.J., and Cavanagh and White, JJ.

PER CURIAM.

Defendant was convicted by jury of two counts of assault with intent to commit murder, MCL 750.83; MSA 28.278, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). He was sentenced as a second habitual offender, MCL 769.10; MSA 28.1082, to two concurrent terms of thirty to sixty years each for the assault convictions, and a consecutive five-year term for the felony-firearm conviction.<sup>1</sup> Defendant appeals as of right. We affirm.

Defendant first contends that his conviction should be reversed because the trial court denied his request for substitute counsel and did not allow him the opportunity to represent himself. We review the trial court's decision regarding substitution of counsel for an abuse of discretion. *People v Mack*, 190 Mich App 7, 14; 475 NW2d 830 (1991).

An indigent defendant is not entitled to have new counsel appointed "whenever and for whatever reason dissatisfaction arises with counsel provided for him." *People v Bradley*, 54 Mich App 89, 95; 220 NW2d 305 (1974). "Appointment of substitute counsel is warranted only upon a showing of good cause and where substitution will not unreasonably disrupt the judicial process." *Mack, supra*. A review of the record convinces us that defendant's objections to trial counsel's performance related to counsel's exercise of his professional judgment or matters of trial strategy other than the fundamental nature of the defense, and thus did not justify substitution of counsel. *People v O'Brien*, 89 Mich App

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<sup>1</sup> Defendant was also sentenced as a second felony-firearm offender.

704, 708; 282 NW2d 190 (1979). Also, the court had no

obligation to allow defendant to proceed without counsel, defendant having failed to make an unequivocal request to do so. *People v Adkins (After Remand)*, 452 Mich 702, 722, 725; 551 NW2d 108 (1996), citing *People v Anderson*, 398 Mich 361, 367; 247 NW2d 857 (1976).

Defendant next contends that the trial court erred in admitting the victims' medical records and in denying his request for a continuance to secure the presence of the victims' treating physicians. We review the trial court's ruling on the admission of evidence for an abuse of discretion. *People v Gould*, 225 Mich App 79, 88; 570 NW2d 140 (1997). We review the denial of an adjournment for an abuse of discretion. *People v Snider*, 239 Mich App 393, 421; 608 NW2d 502 (2000). Because defendant shot his unarmed victims at close range, a rational trier of fact could find beyond a reasonable doubt that he harbored the requisite intent to murder, whether he fired five times or only three. *People v Johnson*, 54 Mich App 303, 304; 220 NW2d 705 (1974). Therefore, any error in the admission of the challenged evidence was undoubtedly harmless and is not grounds for reversal. *People v Crawford*, 458 Mich 376, 399-400; 582 NW2d 785 (1998). Similarly, any error in the denial of an adjournment did not prejudice defendant and is not grounds for reversal. *Snider, supra*.

We have considered the claims raised in defendant's supplemental brief in pro per and find them to be without merit. The trial court did not err in declining to instruct on careless, reckless, or negligent use of a firearm because the evidence did not support the charge. Further, defendant's claims of ineffective assistance of counsel are unpersuasive.

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Mark J. Cavanagh  
/s/ Helene N. White